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10/803,032	03/18/2004	Brig Barnum Elliott	03-4056	5605

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EXAMINER	
FIGUEROA, MARISOL	

ART UNIT	PAPER NUMBER
2617	

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Continuation of 11: The request for reconsideration does NOT place the application in condition for allowance because:

Applicant's arguments filed on 8/3/2010 have been fully considered but they are not persuasive.

With respect to claim 1, the Applicant argues that Gerszerberg does not teach or suggest the limitation of claim 1 "wherein the wireless transceiver is configured to relay data due to a problem in a residence or place of business of a network subscriber" because Gerszerberg only teaches forming a communication path when a failure occurred at tap or upstream thereof and not due to a problem in a residence or place of business (see pages 13-14 of Applicant's arguments).

The Examiner respectfully disagrees. The combination of Farris and Gerszerberg teaches the claim limitation. Farris (US 5,751,789) teaches the use of a wireless backup to connect a subscriber to the landline network when the landline service at the subscriber premises (i.e., residence) is interrupted (see abstract; col. 4, lines 56-61). Gerszerberg teaches the use of a wireless transceiver to wirelessly relay data from a wireless transceiver that has lost connectivity to the wireline network. Thus, the combination of Farris and Gerszerberg teaches claim limitations of "wherein the wireless transceiver is configured to relay data from another wireless transceiver that has lost connectivity to the wireline network due to a problem in a residence of a network subscriber associated with said another wireless transceiver", given that Farris teaches the use of a wireless connection to the landline network due to a problem (i.e., interruption) in the residence landline service and Gerszerberg teaches the use of a wireless relay to provide service to a wireless transceiver that has lost connectivity to the wireline network.

Furthermore, independently on where the problem occurs inside or outside of the residence, both of the references teaches the formation of a backup connectivity through wireless transceivers when an interruption (i.e., problem) of the service is detected.

With respect to claim 10, the Applicant argues that Cardina does not disclose or suggest "when the wireline connection fails due to a problem ***inside*** said premises of said network subscriber" (see pages 16-17 of Applicant's arguments).

The Examiner respectfully disagrees. Cardina teaches detecting telephone service interruption conditions in the subscriber premises landline since the backup device is located at the subscriber premises (see Fig. 1, paragraph [0058]).

Furthermore, independently on where the problem occurs inside or outside of the residence, Cardina teaches the formation of a backup connectivity through a wireless transceiver when an interruption (i.e., problem) of the service is detected.

With respect to claim 34, the Applicant argues that Knight and Gerszerberg, taken individually, or in any reasonable combination, do not disclose or suggest at least the limitation "due to a problem inside premises of said first network subscriber", because, rather paragraph [0023] discusses cut cable 127 external of said subscriber premises (see page 19 of Applicant's arguments).

The Examiner respectfully disagrees. As seen in the figure, cable 127 is directly connected to cell site 119 (i.e., subscriber) and thus is within subscriber premises.

Furthermore, independently on where the problem occurs inside or outside of the residence, Knight teaches the formation of a backup connectivity through a wireless transceiver when an interruption (i.e., problem) of the service is detected.

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617